

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

THE SUNRISE TRUST and SUSAN KING,

2:12-CV-944 JCM (PAL)

## Plaintiffs,

V.

MORGAN STANLEY & CO. INC., et al.,

### Defendants.

## ORDER

Presently before the court is defendants' motion for an extension of time in which to file a memorandum of points and authorities in opposition to plaintiffs' motion to vacate. Doc. #7.

The court previously granted plaintiffs until June 29, 2012, in which to file their points and authorities in support of their motion to vacate the underlying arbitration award. Doc. #6. Thus, while the motion was filed on June 5, 2012, the brief is not due until June 29, 2012.

Defendants, citing Local Rule 7-2(b), which states that “points and authorities in response [to a motion] shall be filed and served by an opposing party fourteen (14) days after service of the motion.” Defendants have been served with the motion (which was filed June 5, 2012), but not the substantive memorandum (as it is not due until June 29, 2012). Defendants, likely out of an abundance of caution, request that the court not enforce a literal reading of Rule 7-2(b), as doing so would require them to file an opposition brief without the benefit of first knowing plaintiffs’ legal

1 theories and arguments.

2 Such an outcome would be unreasonable. This court finds that Rule 7-2(b) assumes that the  
3 motion and memorandum of points and authorities in support of the motion are served  
4 simultaneously. Where the deadline for the memorandum has been extended, it goes without saying  
5 that the opposition deadline will be calculated in reference to when the opposing party is served with  
6 the actual memorandum. Otherwise, the opposing party would be required to file an opposition  
7 without knowing the grounds on which they oppose the relief requested.

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that defendants' motion for  
10 an extension of time (doc. #7) be, and the same hereby is, GRANTED.

11 IT IS THEREFORE ORDERED that defendants' opposition to plaintiffs' motion to vacate  
12 shall be due 14 days after defendants are served with plaintiffs' memorandum of points and  
13 authorities in support of the motion to vacate.

14 DATED June 21, 2012.

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16 **UNITED STATES DISTRICT JUDGE**  
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